

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Maine State Housing Authority
Umbrella-Unit: **99-346**
Statutory authority: 30-A MRSA §4741(1)
Chapter number/title: **Ch. 27**, Transfers of Ownership Interests
Filing number: **2014-047**
Effective date: 3/25/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The reason for proposing this rule is to replace the existing Ownership Transfer Rule with a more streamlined process.

Basis statement:

MaineHousing is adopting this Rule to clarify and simplify its policy on changes in ownership interests in multifamily and supportive housing projects financed by MaineHousing and on which MaineHousing holds a mortgage.

Fiscal impact of rule:

None

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Agency name: Maine State Housing Authority
Umbrella-Unit: **99-346**
Statutory authority: 30-A MRSA §§ 4722(1)(W), 4741(15), 4991 *et seq.*; 42 USCA §§ 8621 *et seq.*
Chapter number/title: **Ch. 24**, Home Energy Assistance Program Rule
Filing number: **2014-212**
Effective date: 9/8/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The replacement rule: (1) defines a life-threatening crisis as a household currently without heat or utility service to operate a heating source; (2) expands the number of acceptable types of documentation which will serve as proof of an applicant's social security number; (3) provides that applicants residing in subsidized housing with heat included may be eligible for fuel assistance if the household pays a portion of rent or utility costs and MaineHousing will issue a benefit in an amount which complies with Maine law to maximize Supplemental Nutrition Assistance Program (SNAP); (4) makes minor revisions to the requirements for procurement of emergency services for clients; (5) clarifies when vendors may apply benefits to indebtedness incurred for home energy deliveries for an eligible household; and (6) redefines appellant's option to respond to a fair hearing decision prior to the final decision for action by MaineHousing's Director.

Basis statement:

This rule repeals and replaces in its entirety the current *Home Energy Assistance Program* rule. The rule establishes standards for administering fuel assistance, emergency fuel assistance, weatherization, and heating system repair and replacement funds to low income households in the State of Maine. The replacement rule (i) adds new definitions and clarifies existing definitions, (ii) expands the telephone application component to include provisions for persons with limited English proficiency, (iii) incorporates the specific documentation required to verify applicants' Social Security Number and identity, (iv) updates the eligibility guidelines for tenants residing in subsidized housing with heat included to comply with Maine law and Federal requirements, (v) changes procurement guidelines for heating system repairs/replacements so as to expedite the resolution of heating emergencies, (vi) clarifies when vendors may apply benefits to indebtedness incurred for Home Energy deliveries for an Eligible Household; and (vii) redefines appellant's option to respond to a fair hearing decision.

Fiscal impact of rule:

None

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Agency name: Maine State Housing Authority
Umbrella-Unit: **99-346**
Statutory authority: 30-A MRSA §§4741(1), 4741(14); Section 42 of the *Internal Revenue Code of 1986*, as amended
Chapter number/title: **Ch. 16**, Low Income Housing Tax Credit Rule
Filing number: **2014-231**
Effective date: 10/3/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Maine State Housing Authority, as the State's designated housing credit agency, is required to adopt a qualified allocation plan for allocating and administering federal low-income housing tax credits, including without limitation the State ceiling of federal low-income housing tax credits pursuant to Section 42 of the *Internal Revenue Code of 1986*, as amended. Ch. 16 of Maine State Housing Authority's rules is the State's qualified allocation plan. The rule repeals and replaces the current Ch. 16 and will be the State's qualified allocation plan for allocating and administering the federal low-income housing tax credits, including the 2015 and 2016 State ceiling of federal low-income housing tax credits.

Summary statement: *The Tax Reform Act of 1986* created the federal low-income housing tax credit to encourage private capital investment in the development of qualified affordable residential rental housing. Section 42 of the *Internal Revenue Code of 1986*, as amended, and associated regulations and guidance govern the federal low-income housing tax credit. Section 42 of the Code requires housing credit agencies to adopt a qualified allocation plan for allocating and administering the federal low-income housing tax credit, including the annual ceiling of federal low-income housing tax credits allocated to housing credit agencies. Maine State Housing Authority is the designated housing credit agency for the State of Maine. This rule is the qualified allocation plan for the State of Maine. It establishes the policies, selection criteria and procedures for allocating and administering the federal low-income housing tax credit in the State of Maine. This rule repeals and replaces in its entirety the prior Ch. 16, *Low Income Housing Tax Credit Rule*.

Fiscal impact of rule:

The State's portion of the 2015 federal ceiling of low-income housing tax credits is expected to generate approximately \$27,000,000 in capital and the State's portion of the 2016 federal ceiling of low-income housing tax credits is expected to generate approximately \$28,000,000 in capital. The capital generated by the syndication of the low-income housing tax credits will be used to develop affordable housing for low- and very low-income persons in the State of Maine. The rule will not impose any costs on municipalities or counties for implementation or compliance.

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: The State's portion of the 2015 federal ceiling of low-income housing tax credits is expected to generate approximately \$27,000,000 in capital and the State's portion of the 2016 federal ceiling of low-income housing tax credits is expected to generate approximately \$28,000,000 in capital. The capital generated by the syndication of the low-income housing tax credits will be used to develop affordable housing for low- and very low-income persons in the State of Maine. The rule will not impose any costs on municipalities or counties for implementation or compliance.

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED: The low-income housing tax credits will provide affordable housing developers with capital generated by the syndication of the tax credits to institutional investors to develop affordable housing, create work in the housing construction industry and other related industries, and provide housing for low- and very-low income persons in the State of Maine.

BENEFITS OF THE RULE: The creation of affordable housing for low- and very-low income persons in the State of Maine and other benefits described above.